

**WILLIAMSBURG CITY COUNCIL
SEPTEMBER 13, 2007
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, September 13, 2007, 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Economic Development Manager DeWitt, Deputy City Attorney Workman, and Department Heads Nester, Hudson, Clayton, Weiler, Yost, Serra and Walentisch.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Freiling Moved That City Council Approve the Minutes of August 6 and 9, 2007 and Special Meeting August 21, 2007. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Recognition of Jodi Miller, ICMA Credentialed Manager

Mayor Zeidler said that this credentialing was an important accomplishment in Ms. Miller's career. The International City Managers/Management Association recently designated Ms. Miller as a Credentialed Manager, one of 981 local government management professionals currently credentialed through the ICMA Voluntary Credentialing Program. Mayor Zeidler read the press release noting the highlights of Ms. Miller's career. Mayor Zeidler invited Ms. Miller to join her at the podium to receive her ICMA pin. Ms. Miller thanked Council for the special recognition. She said it was an honor and privilege to serve the Williamsburg community and she appreciated the support and encouragement of Council, Mr. Tuttle, and city staff.

PUBLIC HEARING

PCR #07-024: Amend the Zoning Ordinance Sign Regulations: (1) new sign districts map; (2) update regulations for freestanding and monument signs in the Corridor Sign District, including signs for multiplex cinemas; and (3) add regulations for pole-mounted banner signs for shopping centers in the Corridor Sign District, *Proposed Ordinance #07-37*

Reference for this item was Mr. Nester's report dated September 13, 2007. Ms. Murphy explained that this case amends the zoning ordinance to include the new sign district map

and three revisions to the sign regulations. The new zoning map will be easier to read with better color, and includes the changes in zoning that have occurred during the past several years. The proposed ordinance adopts the new sign district map, updates the regulations for freestanding and monument signs for businesses on single lots and shopping centers, updates the regulations for various signage for multiplex cinemas in the corridor sign district, and adds regulations regarding non-illuminated pole-mounted banner signs for shopping centers in the corridor sign district.

Ms. Murphy reported that the Planning Commission held a public hearing on this matter and recommend adoption of the proposed ordinance.

Mayor Zeidler opened the public hearing.

No one wished to speak. The hearing was closed.

Mr. Chohany Moved that City Council Adopt Proposed Ordinance #07-37, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, Article VI, Signs. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED ORDINANCE #07-33)

Monthly Financial Statement

The Financial Report was received and ordered filed.

Mr. Tuttle pointed out that expenditure levels in city departments appear higher across the board than last year because of an additional pay period.

Monthly Departmental Operating Reports

The Monthly Departmental Reports were received and ordered filed.

CITY MANAGER REPORTS

Award of Bid for City Bridge Maintenance

Mr. Clayton explained that a bridge repair bid package was prepared for the Bypass Road bridge, Page Street bridge, and Route 143 bridge. The project was advertised and two bids were received. The low bid was received from Lanford Brothers Contracting (Roanoke, VA), and Mr. William Johnson of McKinney, the city's consultant, recommended Lanford based on their strong reputation and his experiences with the company's work. Staff's recommendation was to authorize the City Manager to award the bid to Lanford Brothers. Mr. Clayton introduced Mr. Johnson.

Mr. Johnson reviewed photographs of each bridge showing the areas to be repaired and explained the work that will be done (photographs attached).

Mayor Zeidler thanked Mr. Johnson.

Mr. Clayton, Mr. Johnson, and Council discussed the repair and maintenance work.

Mr. Chohany Moved That City Council Authorize the City Manager to Award the Bid for Bridge Repairs to Lanford Brothers Contracting in the Amount of \$804,708. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

City Attorney Report

Addendum to City Attorney Agreement

Reference for this item was Mr. Phillips report dated September 6, 2007. Mr. Phillips explained that the addendum to his employment agreement would allow him and his spouse to participate in the city's Direct Reimbursement Dental Plan. He is not covered by the city's medical plan. He asked that Council favorably consider his request.

Mr. Freiling Moved that City Council Authorize the Mayor to Execute the Addendum to the City Attorney Agreement Regarding the City Attorney's Participation in the City's Direct Reimbursement Dental Plan. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Letter of Agreement: Representation of Economic Development Authority by City Attorney's Office

Reference for this item was Mr. Phillips report dated September 6, 2007. Mr. Phillips explained that he has been representing the EDA (formerly IDA) since its creation. He is now full time City Attorney, and it is now necessary, if deemed appropriate by Council, that the City and EDA enter into an agreement regarding Legal Representation of the EDA by the City Attorney. Both the Mayor and Chairman of the EDA would need to execute the Letter of Agreement. Mr. Phillips reviewed the provisions of the agreement letter, and noted that in the case of a bond application, the applicant would pay to the city any attorney fees charged by the attorney representing the EDA.

The Mayor noted that this agreement is similar to the agreement with the Housing Authority regarding legal representation.

Mr. Phillips said the Economic Development Authority will review the Letter of Agreement at its meeting on September 19. The Authority will have to decide if they want Mr. Phillips to be their representative or retain independent counsel.

Mr. Freiling Moved That City Council Authorize the Mayor to Execute the Letter of Agreement Indicating the City's Concurrence With the Terms of Representation, and That the City Attorney Sign and Forward the Letter of Agreement to the Chair of the EDA. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Hotel/Motel Guest Registration Regulations, *Proposed Ordinance #07-38*

Reference for this item was Mr. Tuttle's report dated September 6, 2007. Mr. Tuttle said that last month after City Council adopted the new regulations regarding the length of stay in hotels/motels and the Transient Lodging Tax, the issue of hotel guest registration was addressed by ordinance. It was proposed that Council consider the issue at this September meeting. Since that time, comments have been heard from citizens and the Hotel/Motel Association, and those comments have been considered in the draft ordinance. Mr. Tuttle reviewed the changes as outlined in the proposed ordinance including the requirements for record keeping.

Mr. Tuttle said the hotels and motels will be formally notified of the new requirements and the Zoning Administrator will be responsible for routine maintenance code inspections on an annual (or periodic) basis. He felt that the draft ordinance was a good balance, and recommended its adoption.

Mr. Haulman thanked staff for its hard work on this issue.

Council, Mr. Phillips, and Mr. Tuttle discussed:

- This ordinance requires less data collection for record keeping purposes, but provides for the inspection of registration records by the Zoning Administrator.
- The ordinance is silent regarding the length of time registration records must be retained.
- Violation of the ordinance is a Class I misdemeanor. Failure to comply is a misdemeanor with various amounts of fine and/or time in jail, to be decided by the court.
- Mr. Nester has addressed the concerns heard on both sides. This ordinance does not require the hotels/motels to formally report to the city.
- The Hotel/Motel Association could not fully endorse the ordinance.
- Conservative enforcement of the ordinance and the hope that this will not burden staff.

Mr. Freiling Moved That City Council Adopt Proposed Ordinance #07-38, An Ordinance to Amend Chapter 9 of the Williamsburg Code by Adding Article XI, Sections 9-371 and 90372, Pertaining to Hotel Guest Registration. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED ORDINANCE #07-34)

Appointments to Boards and Commissions

Mr. Haulman Moved that City Council Appoint Ms. Judy Knudson to the Williamsburg Planning Commission, Effective Immediately, to Fill the Unexpired Term of Mr. Jesse Young, to Expire December 31, 2009; and

Appoint Mr. Gregory D. Ballentine to the Board of Zoning Appeals, Effective Immediately, to Fill the Unexpired Term of Ms. Judy Knudson, to Expire December 31, 2008. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

OPEN FORUM

Mayor Zeidler asked for comments.

Nanci Bond, 416 Suri Drive, conveyed her concerns about the proposed ordinance #07-38 that was just passed by Council. How is the city differentiating between apartment occupancy and hotel/motel occupancy? The city has a continuing need for safe and attractive hotel/motels rooms so that visitors will continue to come and pay taxes. Residents in city neighborhoods need to understand who their neighbors are. What about the limits on occupancy and management of facilities? All of these things make for safe and comfortable neighborhoods and businesses, and an attractive city. She would appreciate a combined discussion of all of these important issues, and not just a public hearing, in order to reach a consensus.

John Hall, city resident, said that senior citizen property tax exemption information is available on most locality websites. Mr. Hall referenced the September 4 School Board meeting and discussion regarding collocation of schools. He suggested discussing a proposal to collocate a new high school and middle school in the city or close by the city. limits like the Grafton Schools. A recent article in the *Daily Press* about Grafton High School was very complimentary of the high quality education it provides for students in preparation for college.

The meeting adjourned at 3:46 p.m.

Approved: October 11, 2007

Jeanne Zeidler
Mayor

Shelia Y. Crist, MMC
Clerk of Council